

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
JANUARY 21, 2009
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on January 21, 2009, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Mr. Joseph Duarte, Chairman
Sheriff John Armer
Detective Lee Ann Dobbertin
Attorney General Terry Goddard
Deputy Director Pennie Gillette-Stroud, representing Director Roger Vanderpool
Ms. Wendy Larsen
Deputy Director Dona Markley, representing Director Dora Schriro
Sheriff Tom Sheahan
Sergeant Robert Thompson

Members Absent:

Dr. Scott Decker
Chief Jack Harris
Chief Patricia Huntsman
Chief Jerry Sheridan

Staff in Attendance:

Harry Atkins
Ted Brandon
Dan Ciernia
Curt Milam
Marie Dryer
Rosalie Fitch
Bob Forry
Tom Hammarstrom
Steve Jacobs
Gary Maschner
Paul Orfe
Sandy Sierra
Maria Valtierra
Rick Watling

Assistant Attorneys General

Nancy Beck
Diana Stabler

A. CALL TO ORDER

Chairman Duarte called the meeting to order at 10:00 a.m.

B. INTRODUCTIONS AND PRESENTATIONS

Chairman Duarte introduced the two newest board members, Sheriff Tom Sheahan of Mohave County and Sheriff John Armer of Gila County.

C. CONSENT AGENDA

The Consent Agenda was approved unanimously, motion made by Sheriff Sheahan, seconded by Ms. Larsen.

1. Minutes of the Regular Board meeting, held on November 19, 2008, were approved as written.
2. Minutes of the Charging Board meeting, held on December 17, 2008, were approved as written.
3. The next scheduled Charging Board meeting is Wednesday, February 18, 2009, at 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

The next scheduled Regular Board meeting is Wednesday, March 18, 2009, at 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

4. Ministerial Actions:
 - a. Certification Waivers: LIST ATTACHED TO AGENDA PACKET.
 - b. Instructor Certification Renewals: LIST ATTACHED TO AGENDA PACKET. Training Program Confirmations: LIST ATTACHED TO AGENDA PACKET.
5. Decertification Case Status Report - As of November 30, 2008, the Compliance and Standards Unit had a caseload of 108 active cases. Four cases are ready for initial presentation; forty-five cases need further investigation; five cases are pending service of or response to a Notice of Complaint or Decision; seven cases are pending a hearing; two cases are ready for final action, and forty-five cases are waiting for outside action, i.e., a criminal trial or civil service hearing.
6. Income and Expense Statement – November 2008

Funds as of November 1, 2008	\$ 916,276.43
CJEF Revenue	594,503.00
Expenditures/Encumbrances	(515,229.16)
Balance for September 30, 2008	\$ 995,550.27

D. REGULAR AGENDA**1. Steroid Rule Options Direction to Rules Advisory Group**

Diana Stabler addressed the Board to discuss the issue of illegal steroid use by peace officers and what direction the Board would like to take regarding sending this matter to the Rules Advisory Group.

Deputy Directory Markley made a motion to make no change to the current rules, seconded by Detective Dobbertin, motion carried unanimously.

2. Proposed Review of Alternative Firearms Qualification Courses

Harry Atkins addressed the Board to discuss proposed alternative firearms qualification courses.

Ms. Larsen made a motion to approve the submitted qualification courses for implementation/use by the submitting agencies under AZ POST Rule 13-4-111(C), seconded by Detective Dobbertin, motion carried unanimously.

E. LEGISLATIVE UPDATE

There is nothing new to report at this time.

F. SUMMARY OF CURRENT EVENTS

Director Hammarstrom presented POST staff member Rosalie Fitch with a 20-year pin from the Department of Public Safety. He also informed the Board he recently attended a meeting of the Arizona Civil Rights Board where racial profiling was discussed.

Jim DeLung reported on upcoming classes which will be presented by the Center for Leadership Excellence.

G. COMMITTEE UPDATE

There are no committee reports at this time.

H. REPORTS**1. Basic Training**

ALEA – Commander Markley reported that this time last year they had six academy classes with over 300 recruits, this year they have had four classes with 99 recruits representing 14 agencies. They have picked up some recruits due to Mesa closing its academy. Their next class starts March 2 and for 2009 they anticipate having a total of ten classes.

CARLOTA - Director Johnston reported they have had three classes graduate since the last meeting. Class 104 graduated in September with 24 cadets representing 13 agencies, Class 105 graduated December 11 with 24 cadets representing 10 agencies, and Class 106 will begin January 15 with 11 cadets representing 6 agencies. They are experiencing a drop in enrollment due to the budget crunch. They are still planning on having 5 classes per year, but may reassess this and combine classes and drop down to 3 classes – this is not confirmed yet. The range is almost complete. Phase 1 should have a 24-lane range completed in March.

CHANDLER-GILBERT - A written report was provided that reported that Class 0302008 began October 11 and they currently have 14 cadets. The class will graduate on August 19. They are in the process of hiring a new director in February.

COTA – Commander Daniels reported they recently graduated 139 cadets. They currently have three classes with 99 recruits. ADC has 188 vacancies statewide. This fiscal year 17 cadets participated in the waiver program with \$86,000 cost benefit for the agency. COTA continues to offer its facilities to other agencies.

GLENDALE COMMUNITY COLLEGE - A written report was provided that reported that Class 61 with 18 recruits started on August 8 and will graduate this May. Class 62 with 9 recruits was the first fulltime academy class and they graduated on December 8. Class 63 has 10 recruits who are all from Phoenix P.D. and is a reserve class which started December 8 and will graduate in September. Class 64 is a part-time academy class and is scheduled to begin in March.

PIMA COUNTY – Lt. Peru reported they have their first regional academy; they were a standalone for Pima County for a couple of years. The class with 38 recruits from Marana, P.D., Oro Valley P.D. and Sahuarita P.D. will graduate on February 27. Due to budgetary issues, the academy that was scheduled to start shortly after February 27 was delayed to June. They currently have 15-20 recruits for this class.

SALETC – Lt. Lane reported they currently have a class with 29 recruits representing 9 agencies. Class 901 started January 12 with 46 recruits and will graduate May 7. They are trying to maintain a four class a year schedule, this is based on user agency needs, if there are not enough reservations they may drop down to three classes per year.

2. Department of Corrections – Deputy Director Markley stated their vacancy rate still remains at 3-4% and they continue to concentrate on retention.

I. FINAL ACTION CASES:Case #1 – Nickie F. Meyer – Coconino County Sheriff's Office

The Board considered comments from Assistant A. G. Diana Stabler and Nickie Meyer. Deputy Director Gillette-Stroud made a motion to adopt the Consent Agreement Order and Decision for a three year delay in eligibility to apply for peace officer certification from January 21, 2009, until January 21, 2012, seconded by Sheriff Armer, motion carried unanimously.

Case #2 – James N. Clark – Gilbert Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Sheriff Sheahan made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Deputy Director Gillette-Stroud, motion carried unanimously.

Case #3 – Cecilia I. Sene – Pima County Attorney's Office

Sgt. Thompson recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Sheriff Armer made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Deputy Director Gillette-Stroud, motion carried unanimously.

Case #4 – Danitza Torres – Phoenix Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Detective Dobbartin made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Attorney General Goddard, motion carried unanimously.

Case #5 – Milton L. Cruver – Cochise County Sheriff's Office

The Board considered comments from Assistant A. G. Diana Stabler. Sheriff Armer made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Ms. Larsen, motion carried unanimously.

J. NEW CHARGING CASES:Case #1 – Justin E. Bearden – White Mountain Apache Police Department

Attorney General Goddard made a motion to ***Initiate Proceedings***, seconded by Sheriff Sheahan, motion carried unanimously.

Case #2 – Richard G. Beck – Goodyear Police Department

Sheriff Sheahan made a motion to ***Initiate Proceedings***, seconded by Detective Dobbartin, motion carried unanimously.

Case #3 – John B. Collins – Kearny Police Department

Detective Dobbartin made a motion to ***Initiate Proceedings***, seconded by Sgt. Thompson, motion carried unanimously.

Case #4 – Gary D. Condit Jr. – Florence Police Department

Sheriff Armer made a motion to **Initiate Proceedings**, seconded by Ms. Larsen, motion carried unanimously.

Case #5 – Brian A. Fogle – Kearny Police Department

Sheriff Armer recused himself from this case. Sheriff Sheahan made a motion to **Initiate Proceedings**, seconded by Deputy Director Gillette-Stroud, motion carried unanimously.

Attorney General Goddard left at this time.

Case #6 – Bradley T. Forward – Chandler Police Department

Detective Dobbertin made a motion to **Initiate Proceedings**, seconded by Sheriff Armer, motion carried unanimously.

Case #7 – Timothy J. Fox – Tempe Police Department

Detective Dobbertin made a motion to **Initiate Proceedings**, seconded by Sheriff Armer, motion carried unanimously.

Case #8 – Todd R. Hezlitt – Pima County Sheriff's Department

This case was pulled from the agenda.

Case #9 – Brian Marks – Navajo Department of Public Safety

Deputy Director Markley made a motion to close this case with **No Action**, seconded by Ms. Larsen, motion carried unanimously.

Case #10 – Shawn M. Martinko – Camp Verde Marshal's Office

Sheriff Sheahan made a motion to **Research Further**, seconded by Sheriff Armer, motion carried with one nay vote. (Deputy Director Markley wanted to Initiate Proceedings).

Case #11 – Christopher J. McCall – Goodyear Police Department

Deputy Director Gillette-Stroud made a motion to close this case with **No Action with Agency Discretion**, seconded by Detective Dobbertin, motion carried unanimously.

Case #12 – Allen C. Miles – Pinal County Sheriff's Office

Sheriff Armer made a motion to **Initiate Proceedings**, seconded by Ms. Larsen, motion carried unanimously.

Case #13 – Paul D. Teran – Coconino County Sheriff's Office

Deputy Director Gillette-Stroud recused herself from this case. Sgt. Thompson made a motion to close this case with **No Action with Agency Discretion**, seconded by Ms. Larsen, motion carried unanimously.

K. CALL TO THE PUBLIC

Mr. Palmer addressed the Board during the call to the public and played a news report for the Board's information.

L. LEGAL ADVICE AND POSSIBLE ACTION – WILLIAM E. WELCH – PHOENIX POLICE DEPARTMENT

The Board voted to go into executive session at 12:20 p.m. for legal advice. The open meeting reconvened at 12:37 p.m.

The Board considered comments from Assistant A.G. Diana Stabler. Chief Armer made a motion to dismiss this case with ***No Action with Agency Discretion***, seconded by Detective Dobbertin, motion passed with two nay votes.

M. ADJOURN

Chairman Duarte adjourned the meeting at 12:38 p.m.